

KERRY GARVIS WRIGHT - State Bar No. 206320  
kgarviswright@glaserweil.com  
THOMAS P. BURKE JR. - State Bar No. 288261  
tburke@glaserweil.com  
GLASER WEIL FINK HOWARD  
AVCHEN & SHAPIRO LLP  
10250 Constellation Boulevard, 19th Floor  
Los Angeles, California 90067  
Telephone: (310) 553-3000  
Facsimile: (310) 556-2920

Attorneys for Petitioner  
Marcy Simon

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MARCY SIMON, an individual residing in New  
York,

Petitioner,

v.

MAPLE BEACH VENTURES, LLC, a Nevada  
limited liability company; MAPLE BEACH  
VENTURES ONE, LLC, a Wyoming limited  
liability company; and MAPLE BEACH  
VENTURES ONE, LLC, a Delaware limited  
liability company,

Respondents.

CASE NO.: 3:21-mc-80013

**PETITIONER MARCY SIMON'S  
ADMINISTRATIVE MOTION TO SEAL  
DOCUMENTS PURSUANT TO CIVIL  
LOCAL RULES 7-11 AND 79-5(e)**

*Declaration of Kerry Garvis Wright  
submitted concurrently herewith*

Pursuant to Civil Local Rules 7-11 and 79-5(e), Petitioner Marcy Simon (“Petitioner” or “Ms. Simon”) hereby moves the Court for leave to file the following documents, or portions thereof, under seal:

1. Portions of Ms. Simon’s Notice of Petition and Petition to Confirm Arbitration Award and for Entry of Judgment (the “Petition”) [Page 1, lines 6-12, 23-28; pages 2 to 7; page 8, lines 1-14, 21-24; page 10, lines 1-10];
2. Portions of the Declaration of Kerry Garvis Wright in Support of Ms. Simon’s Petition to Confirm Arbitration Award and for Entry of Judgment (“Garvis Wright Decl. iso Petition”) [Page 2, portions of ¶¶ 2-8];
3. Garvis Wright Decl. iso Petition, Exhibit 1 in its entirety;
4. Garvis Wright Decl. iso Petition, Exhibit 2 in its entirety;
5. Garvis Wright Decl. iso Petition, Exhibit 3 in its entirety;
6. Garvis Wright Decl. iso Petition, Exhibit 4 in its entirety;
7. Garvis Wright Decl. iso Petition, Exhibit 5 in its entirety;
8. Garvis Wright Decl. iso Petition, Exhibit 6 in its entirety; and
9. Garvis Wright Decl. iso Petition, Exhibit 7 in its entirety.

This administrative motion is supported by the Declaration of Kerry Garvis Wright in Support of Ms. Simon’s Administrative Motion to Seal Documents Pursuant to Local Rules 7-11 and 79-5(e).

Civil Local Rule 79-5 governs the filing under seal of entire documents or portions of documents that contain material that is “privileged, protectable as a trade secret or otherwise entitled to protection under the law (hereinafter referred to as ‘sealable’).” Civ. L.R. 79-5(b). Civil Local Rule 79-5(e) provides: “If the Submitting Party is seeking to file under seal a document designated as confidential by the opposing party ..., the Submitting Party’s declaration in support of the Administrative Motion to File Under Seal must identify the document or portions thereof which contain the designated confidential material and identify the party that has designated the material as confidential (‘the Designating Party’).”

In compliance with Local Rule 79-5(e), Ms. Simon submits this administrative motion because she wishes to file documents which she understands she is contractually obligated to file

under seal “to the fullest extent permitted by law.” Garvis Wright Decl. iso Petition, Ex. 4 at p. 3, ¶ 7(c); *see also* Ex. 2 at pp. 8-9, ¶ 7(h); Ex. 3 at p. 5, ¶ 20.

Ms. Simon seeks to file the above-listed material under seal in good faith in order to comply with the applicable Local Rules and her contractual obligations. Because Respondents contend that this material is confidential in nature, it is their burden to establish that the designated information is sealable. Civil L.R. 79-5(e); *see Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178-80 (9th Cir. 2006) (finding that “‘compelling reasons’ must be shown to seal judicial records attached to a dispositive motion.”); *Ovonix Battery Co., Inc. v. Sanyo Elec. Co., Ltd.*, No. 14-CV-01637-JD, 2014 WL 2758756, at \*2 (N.D. Cal. June 17, 2014) (determining that petition to confirm arbitration award and enter judgment is dispositive).

Ms. Simon respectfully submits this administrative motion pursuant to Civil Local Rule 79-5 and hereby notifies the parties of their burden to establish that the designated material is sealable.

DATED: January 19, 2021

GLASER WEIL FINK HOWARD  
AVCHEN & SHAPIRO LLP

By: \_\_\_\_\_

KERRY GARVIS WRIGHT  
THOMAS P. BURKE JR.  
Attorneys for Petitioner  
Marcy Simon